

DOCKET FILE COPY ORIGINAL

ORIGINAL

LAW OFFICES OF
LEONARD S. JOYCE

5335 WISCONSIN AVENUE, N.W., SUITE 300
WASHINGTON, D.C. 20015

TELEPHONE
(202) 364-6970

FACSIMILE
(202) 686-8282

May 27, 1994

RECEIVED

MAY 27 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Attn: Chief, Allocations Branch
Mass Media Bureau

Re: Station KIGL(FM)
Spencer, Iowa

Petition For
Rule Making

Dear Mr. Caton:

Forwarded herewith are the original and four copies of a
Petition For Rule Making to upgrade Station KIGL(FM) Spencer,
Iowa from Channel 285A to Channel 285C2.

Should there be any questions concerning this matter,
please communicate directly with the undersigned.

Very truly yours,

Leonard S. Joyce
Leonard S. Joyce S.D.

Enclosure

No. of Copies rec'd
List ABCDE

0+4
MMB

ORIGINAL

Before The
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

MAY 27 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations) RM-
)
(Spencer, Iowa))
)
)
)
To Chief, Allocations Branch
Mass Media Bureau

PETITION FOR RULE MAKING

1. Iowa Great Lakes Broadcasting Company, Inc., licensee of Station KIGL(FM) Spencer, Iowa, by and through undersigned counsel, hereby requests that the Federal Communications Commission (FCC) institute a Rule Making Proceeding to modify its FM Table of Allotments (Section 73.202(b) of its Rules), to upgrade Station KIGL(FM) from Channel 285A to 285C-2, and in order to do so, modify the license of Station KXAX(FM), St. James, MN, to change its Channel from 285A to 268A and, delete unused and un-applied for Channel 284A allocated to Sac City, Iowa.

2. Thus, as proposed the FCC's FM Allocation Table would be changed as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Spencer, Iowa	285A, 299C1	285C2, 299C1
St. James, MN	263C2, 285A	263C2, 268A
Sac City, Iowa	284A	-----

In support of this proposal, the following matters are set forth.

3. Attached to this Petition is a Technical Statement, prepared by du Triel, Lundin & Rackley, Inc., demonstrating that the requested allocations will be in full compliance with the FCC's Rules, including mileage separations. Briefly summarized, the upgrade of Station KIGL(FM) from Channel 285A to Channel 285 C2, at the assumed site of 43-14'-32", North Latitude and 95-09'-19", West Longitude will meet all mileage separation requirements of FCC Rule 73.202(b), and provide with ease, 3.16 mv/m coverage to all of the community of Spencer, Iowa. Such an upgrade, clearly, is in the public interest since it will increase 1 mv/m coverage to an area over five times the area now served by KIGL(FM). The substitution of Channel 268A in lieu of Channel 285A, for Station KXAX(FM), (with no change in its site; see Figure 2 of the Technical Statement, attached hereto), will permit the elimination of short-spacings of KXAX(FM) with Stations KIGL(FM) and KARL(FM) Tracy, MN, and permit Station KXAX(FM) to increase its power to 6 kw, e.r.p. On Channel 285A, KXAX(FM) is limited to 3 kw, e.r.p. Finally, the deletion of Channel 284A from the community of Sac City, Iowa will not disserve the public interest since that allocation has been vacant and unapplied for, for many years, evidencing no interest in its use.

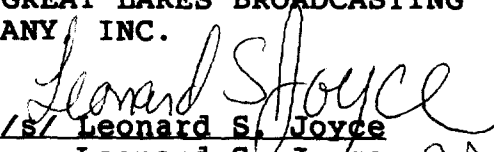
4. In accordance with FCC Rules and Policies, Petitioner hereby declares that upon modification of its license to operate Station KIGL(FM) on Channel 285 C2, it shall promptly apply for such, and, upon grant, promptly construct and commence operation with those upgraded facilities.

5. Also, in accordance with FCC Rules and Policies, Petitioner hereby declares that upon final grant of this proposal, it will reimburse the licensee of Station KXAX(FM) for its reasonable and prudent expenses incurred in changing its Channel from 285A to 268A and cooperate with said licensee in effecting that Channel change and Petitioner's upgrade of Station KIGL(FM). A copy of this Petition is being served upon Rogers Broadcasting, Inc., the licensee of Station KXAX(FM) St. James, MN.

Wherefore, the premises considered, it is respectfully submitted that it will serve the public interest for the FCC to initiate a Rule Making Proceeding proposing the changes in the FM allocations requested herein.

Respectfully Submitted,

IOWA GREAT LAKES BROADCASTING
COMPANY INC.

By: 
/s/ Leonard S. Joyce
Leonard S. Joyce

Counsel for Petitioner

Law Offices Of Leonard S. Joyce
5335 Wisconsin Avenue
Suite 300
Washington, D. C. 20015

May 27, 1994

TECHNICAL STATEMENT
IN SUPPORT OF
A PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
IOWA GREAT LAKES BROADCASTING COMPANY, INC.
SPENCER, IOWA

This technical statement and associated exhibits have been prepared on behalf of Iowa Great Lakes Broadcasting Company, Inc., in support of a Petition for Rule Making requesting amendment of 47 CFR 73.202(b) by (1) substitution of channel 285C2 for 285A at Spencer, Iowa, (2) change of channel from 285A to 268A for KXAX St. James, Minnesota and (3) deletion of channel 284A at Sac City, Iowa. These changes can be accomplished in accordance with FCC rules and policy.

The petitioner is the licensee of Station KIGL Spencer, Iowa which currently operates on channel 285A with effective radiated power (ERP) of 3 kilowatts and antenna height above average terrain (HAAT) of 91 meters. Substitution of channels would permit KIGL to operate as a Class C2 station thereby increasing its 60 dBu coverage area five-fold.

Proposed Change in FM Table of Allotments

The Petitioner herein requests modification of the FM Table of Allotments, 47 CFR 73.202(b), by the substitution of channel 285C2 for 285A at Spencer, Iowa and two other changes as outlined following:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Spencer, IA	285A, 299C1	285C2, 299C1
St. James, MN	263C2, 285A	263C2, 268A
Sac City, IA	284A	- -

Compliance with FCC Rules

Spencer, Iowa. Channel 285C2 can be substituted for Channel 285A in accordance with FCC rules, provided the changes in allotments are made at St. James, MN and Sac City, IA. The attached Figure 1 is a tabulation of pertinent separations pertaining to use of channel 285C2. For allocation purposes, a transmitter site was selected approximately 11 kilometers north of Spencer, IA which has the following geographic coordinates:

43° 14' 32" North Latitude
95° 09' 19" West Longitude.

From this reference point, 70 dBu (3.16 mV/m) signal strength can be placed over Spencer. Assuming maximum Class C2 facilities, the 70 dBu contour extends to a distance of 32.7 kilometers. As Spencer is located approximately 11 kilometers from the reference coordinates, the requirement for principal city coverage of 47 CFR 73.315 can easily be met.

KIGL currently operates with ERP of 3 kilowatts and HAAT of 91 meters which provides for a 60 dBu coverage area of approximately 1,691 square kilometers. When operating as a maximum Class C2 facility, KIGL can provide

60 dBu coverage of an area of 8,560 square kilometers, an increase of over five times.

St. James, Minnesota. Station KXAX St. James, MN operates on channel 285A with ERP of 3 kilowatts and HAAT of 85 meters. Station KXAX is short-spaced with KIGL Spencer, IA by 9.7 kilometers and with the pending application of KARL Tracy, MN on Channel 286C2 by 4.6 kilometers (File No. BMPH-930714IB). The substitution of Channel 268A for 285A will eliminate these short-spacings and also permit KXAX to operate with an ERP of 6 kilowatts. The attached Figure 2 is a tabulation of pertinent stations which demonstrates that use of channel 268A by KXAX can be accomplished in accordance with FCC rules and policies.

Sac City, Iowa. It is proposed to delete the unused channel 284A at Sac City, IA. Channel 286A was originally allotted to Sac City in Docket 84-231, at the time when over six hundred FM channels were added to the table of allotments. Since then the channel has been replaced by 284A to accommodate other changes in the table of allotments. No application has been filed for use of the Sac City channel, clearly indicating lack of interest in the allocation.

Conclusion

Adoption of the proposed changes in the table of FM allocations will result in improved coverage for KIGL, and a full 6 kilowatt Class A channel for KXAX.

Petitioner will expeditiously move to the new channel if allotted.

A handwritten signature in cursive script, reading "Louis R. du Treil".

Louis R. du Treil

du Treil, Lundin & Rackley, Inc.
240 N. Washington Blvd., Suite 700
Sarasota, Florida 34236

(813) 366-2611 Ext. 321

May 26, 1994

duTreil, Lundin & Rackley, Inc.
A Subsidiary of A.D. Ring, P.A.
Sarasota, FL

Figure 1
Sheet 1 of 2

FM SEPARATION STUDY

Job Title :KIGL Spencer, IA

Separation Buffer 32 km

FCC DB Date : 03/29/94

Channel 285C2 (104.9 MHz)

Coordinates : 43-14-32 95-09-19

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KDOMFM LIC	Windom MN	BLH920130KB	232A 94.3	5.7 102.0	43-53-06 95-10-56	358.3	71.46 56.46	15 CLEAR
KJLY LIC	Blue Earth MN	BLH901015KE	283C2 104.5	50.0 138.0	43-39-41 94-06-29	60.8	96.73 38.73	58 CLEAR
ALC	Sac City IA	Docket 92-155	284A 104.7	.0	42-30-37 94-52-14	164.0	84.58 -21.42	106 SHORT
Site Restricted-Effective 8-2-93-First Come First Serve								
KKLSFM LIC	Sioux Falls SD	BLH880601KB	284C1 104.7	100. 215.0	43-43-46 97-05-10	289.8	165.32 7.32	158 CLOSE
KIGL LIC	Spencer IA	BLH781218AJ	285A 104.9	3.00 91.0	43-09-24 95-04-53	147.8	11.25 -154.75	166 SHORT
KXAX LIC	St. James MN	BLH830909AB	285A 104.9	3.00 85.0	44-03-15 94-39-40	23.6	98.64 -67.36	166 SHORT
KLMJ LIC	Hampton IA	BMLH930726KB	285A 104.9	6. 91.0	42-49-45 93-11-10	105.3	166.92 .92	166 CLOSE
KDLSFM LIC	Perry IA	BLH5066	285A 104.9	3.00 91.0	41-49-58 94-02-15	149.3	181.52 15.52	166 CLOSE
*To Amend to channel 288A per D92-155-From channel 269A per D89-41								
KRFOFM LIC	Owatonna MN	BMLH900312KA	285A 104.9	4.7 53.0	44-04-29 93-10-46	59.1	184.29 18.29	166 CLEAR
KTCHFM LIC	Wayne NE	BLH800107AQ	285A 104.9	3.00 91.0	42-14-06 97-03-22	234.8	191.71 25.71	166 CLEAR
KARL CP	Tracy MN	BPH901029IA	286A 105.1	4.3 118.0	44-13-58 95-39-45	339.9	117.41 11.41	106 CLOSE
*To Channel 286C2 per One-Step Amendment 931221IA-From Channel 286C3 per D93-32								
KARL LIC	Tracy MN	BLH900627KC	286A 105.1	3.00 100.0	44-13-58 95-39-45	339.9	117.41 11.41	106 CLOSE
*To Channel 286C2 per One-Step Amendment 931221IA-From Channel 286C3 per D93-32								

duTreil, Lundin & Rackley, Inc.
A Subsidiary of A.D. Ring, P.A.
Sarasota, FL

FM SEPARATION STUDY

Job Title :KIGL Spencer, IA

Separation Buffer 32 km

FCC DB Date : 03/29/94

Channel 285C2 (104.9 MHz)

Coordinates : 43-14-32 95-09-19

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
ALC	Tracy MN	Docket93-32	286C3 105.1	.0	44-13-46 95-44-36	336.9	119.49 2.49	117 CLOSE
Effective 7-12-93-Reserved for KARL per D93-32								
KARL APP	Tracy MN	BMPH930714IB	286C2 105.1	25. 159.0	44-19-32 95-52-19	334.7 SS	133.49 3.49	130 CLOSE
From channel 286A per D93-32-Amended 931103, 931202 & 931221								
ALC	Tracy MN		286C2 105.1	.0	44-19-32 95-52-19	334.7	133.49 3.49	130 CLOSE
Reserved for KARL per one-step amendment 931221IA A								
KIWA LIC	Sheldon IA	BLH921123KD	287C2 105.3	50. 89.0	43-11-00 95-52-05	263.8	58.30 .30	58 CLOSE
NEW-T APP	Sioux Falls SD	BPFT940105TA	288D 105.5	.229 66.0	43-32-51 96-43-34	285.5	131.72 .00	0 TRANS
Translator for KIKN, Salem, SD								

** End of separation study for channel 285C2 **

duTreil, Lundin & Rackley, Inc.
A Subsidiary of A.D. Ring, P.A.
Sarasota, FL

Figure 2

FM SEPARATION STUDY

Job Title :KXAX St. James, MN Separation Buffer 32 km
FCC DB Date : 03/29/94
Channel 268A (101.5 MHz) Coordinates : 44-03-15 94-39-40

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
ALC	Blooming Prairie MN	265C1 100.9	265C1 100.9	.0	43-59-55 93-23-16	93.0	102.28 27.28	75 CLEAR
Reserved for BPH-920604MD per One-Step Application 931126IG								
KJST APP	Blooming Prairie MN	265C1 BMPH931126IG	265C1 100.9	100. 219.0	43-59-55 93-23-16	93.0	102.28 27.28	75 CLEAR
One-Step Application								
KLQL LIC	Luverne MN	266C1 BLH830822AA	266C1 101.1	100. 162.0	43-48-24 96-12-23	258.0	127.11 52.11	75 CLEAR
KDWBFM LIC	Richfield MN	267C BLH910814KA	267C 101.3	100. 315.0	45-03-30 93-07-27	46.9	165.43 .43	165 CLOSE
KAYLFM LIC	Storm Lake IA	268C1 BLH920921KE	268C1 101.5	100. 122.0	42-38-05 95-10-10	194.8	163.01 -36.99	200 SHORT
*To Amend to channel 269C1 per D92-155								
KCGNFM LIC	Ortonville MN	268C BLH831011AO	268C 101.5	100. 305.0	45-22-29 97-02-20	308.8	238.82 12.82	226 CLOSE
K269EC LIC	Mankato MN	269D BLFT890302TB	269D 101.7	.078 52.0	44-09-00 94-04-51	76.8	47.68 .00	0 TRANS
TRANSLATOR FOR KEEZ, MANKATO, MN.								
KOLV LIC	Olivia MN	269A BLH931005KC	269A 101.7	6.0 87.0	44-45-49 94-55-49	344.9	81.71 9.71	72 CLOSE
KOLV PDEL PRM	Olivia MN	269A RM8420	269A 101.7	.0	44-45-51 94-55-45	345.0	81.74 9.74	72 CLOSE
KOLV LIC	Olivia MN	269A BMLH900206KE	269A 101.7	3.4 85.0	44-45-51 94-55-45	345.0	81.74 9.74	72 CLOSE
ALC	Storm Lake IA	269C1 Docket92-155	269C1 101.7	.0	42-38-05 95-10-10	194.8	163.01 30.01	133 CLEAR
Effective 8-2-93-Reserved for KAYLFM per D92-155								
NEW APP	Milford IA	271C2 BPH911004MG	271C2 102.1	50. 150.0	43-22-41 95-11-11	209.5	86.24 31.24	55 CLEAR
Amended 920228								

** End of separation study for channel 268A **

CERTIFICATE OF SERVICE

I, Snowdeen Dove, a secretary in the Law Offices of Leonard S. Joyce, do hereby certify that the foregoing PETITION FOR RULE MAKING was served this 27 day of May, 1994, by mailing true copies thereof, postage prepaid, to the following persons at the addresses listed below:

Michael Ruger, Chief
Allocations Branch
Mass Media Services
Federal Communications Commission
Room 8322
2025 M Street N.W.
Washington, D.C. 20054

Richard Rogers, President
Rogers Broadcasting, Inc.
Station KXAX(FM)
P.O. Box 465 (Highway 4-30 N.W.)
St. James, MN. 56081


/s/ Snowdeen Dove

CERTIFICATE OF SERVICE

I, Snowdeen Dove, a secretary in the Law Offices of Leonard S. Joyce, do hereby certify that the foregoing PETITION FOR RULE MAKING was served this 27 day of May, 1994, by mailing true copies thereof, postage prepaid, to the following persons at the addresses listed below:

Michael Ruger, Chief
Allocations Branch
Mass Media Services
Federal Communications Commission
Room 8322
2025 M Street N.W.
Washington, D.C. 20054

Richard Rogers, President
Rogers Broadcasting, Inc.
Station KXAX(FM)
P.O. Box 465 (Highway 4-30 N.W.)
St. James, MN. 56081


/s/ Snowdeen Dove